

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Investigation of Tariffs Filed by ACS of	)	CC Docket No. 02-36
Anchorage, Inc., and the National Exchange	)	
Carrier Association	)	
	)	
December 17, 2001	)	CCB/CPD No. 01-23
MAG Access Charge Tariff Filings	)	

**ORDER**

**Adopted: August 15, 2002**

**Released: August 16, 2002**

By the Chief, Pricing Policy Division:

1. By this order, we approve the refund plan submitted by ACS of Anchorage, Inc. (ACS), for issuing refunds to its inter-exchange carrier (IXC) access customers for the period from January 1, 2002, through June 14, 2002.

2. On May 31, 2002, the Commission found that the interstate access rates in ACS's Tariff FCC No. 1, filed to become effective January 1, 2002, were unjust and unreasonable in violation of Section 201(b) of the Communications Act of 1934, as amended.<sup>1</sup> The Commission prescribed interstate access rates for ACS on a prospective basis.<sup>2</sup> The Commission also directed ACS to refund, for the period of January 1, 2002 through the date on which the prescribed rates became effective, the difference between the revised rates in ACS's December 17 tariff filing and the prescribed rates.<sup>3</sup> The Commission directed that ACS's refunds include interest.<sup>4</sup> As directed, ACS submitted on July 30, 2002, a plan for issuing refunds.<sup>5</sup>

3. We find that ACS's refund plan satisfies the requirements of the *Investigation Order*. In its refund plan, ACS applied an interest rate of five percent, the Internal Revenue

<sup>1</sup> *Investigation of Tariffs Filed by ACS of Anchorage, Inc., and the National Exchange Carrier Association, December 17, 2001, MAG Access Charge Tariff Filings*, CC Docket No. 02-36, Memorandum Opinion and Order, FCC 02-160, (May 31, 2002) (*Investigation Order*).

<sup>2</sup> *Investigation Order* at paras. 29, 35.

<sup>3</sup> *Id.* at paras. 31, 36.

<sup>4</sup> *Id.*

<sup>5</sup> Refund Plan of ACS of Anchorage, Inc., CC Docket No. 02-36 (filed July 30, 2002) (ACS Refund Plan).

Service's corporate overpayment rate, to the refund amount, assuming a payment date of August 30, 2002. If the payment date should slip beyond August 30, ACS must calculate interest on the overcharges until the date the refunds are issued.

4. Accordingly, IT IS ORDERED, pursuant to section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the rate refund plan filed by ACS of Anchorage, Inc., subject to the application of interest as delineated at paragraph 3 of this order, IS APPROVED.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss  
Chief  
Pricing Policy Division